

MINUTES

PHYSICIANS LICENSING BOARD MEETING

MARCH 14, 2007

ROOM 474 – 4TH FLOOR – 8:30 A.M.
HEBER M WELLS BLDG 160 E 300 S
SALT LAKE CITY UTAH 84111

CONVENED:	8:42 a.m.
ADJOURNED:	11:36 a.m.
CONDUCTING:	George Pingree, MD
DIVISION STAFF:	Diana Baker, Bureau Manager F. David Stanley, Division Director (9:00-9:30) Shirlene Kimball, Secretary
BOARD MEMBERS PRESENT:	John Bennion, public member Lori Buhler, public member Sharon Weinstein, MD George Pingree, MD Curtis Canning, MD Stephen Lamb, MD James Fowler, MD Marc Babitz, MD Mason Stout, MD
BOARD MEMBERS EXCUSED:	Michael Giovanniello, MD Richard Sperry, MD
GUESTS:	Tricia Jack, U of U MPA program Darrell Fowles, U of U MPA program
<u>TOPICS FOR DISCUSSION:</u>	<u>DECISIONS/RECOMMENDATIONS:</u>
FEBRUARY 14, 2007 MINUTES:	Approved with corrections.
AGENDA REVIEW – DIANA BAKER:	Ms. Baker provided a brief file overview on those individuals meeting with the Board.
DIVIDED INTO TWO GROUPS AT 8:50 A.M.	

GROUP 1
MINUTE TAKER: DIANA BAKER

Members present: Dr. Weinstein, Dr. Canning, Dr. Babitz, Ms. Buhler and Dr. Stout.

PHILIP WASHBURN, MD
INTERVIEW:

Dr. Washburn discussed the discrepancies that have been identified for many months in the DOPL database. It was noted that he was submitting a log for all of the prescriptions that he has been writing rather than any medications that he had administered in his office. Dr. Weinstein noted that Dr. Washburn was still not using pre-labeled triplicate prescription pads and he was again instructed that he could not stamp each prescription blank as he wrote on them. He now understands what he should submit to the Board with regard to his prescribing of controlled substances. Dr. Weinstein also reviewed with him other deficiencies in the database. It was noted that some of his patients do not appear on the database and he was questioned whether these patients are actually getting medications. He was again asked to confer with his patients regarding the pharmacies where prescriptions are filled so that the Division can track appropriate participation of the pharmacies in reporting this to the database. Other problems that were identified were patients appearing on the database for which Dr. Washburn did not have prescription copies. Ms. Baker will send a list of these patients to Dr. Washburn so that he can compare the list of names with his medical records. The Board members again expressed concern regarding the haphazard way in which Dr. Washburn is accounting for his controlled substance prescribing. It was pointed

out to him again that these behaviors are very similar to what caused him to lose his CS license in 1996. Dr. Washburn reported that he had attended the PACE prescribing course in San Diego and he learned that he needs to be better with his recording on medical records. Because of continuing problems, the Board wants to see Dr. Washburn again next month. He is **out of compliance** with his Order.

JEFFREY CLARK, MD
TELEPHONE INTERVIEW:

Dr. Jeffrey Clark was contacted in Florida by telephone. Dr. Clark reported that the Florida Board has denied him a resident license because his neuropsych evaluations that were done there reflect problems with his short term memory probably related to his anoxic episode in the past. Therefore, he is seeking resident programs in other states and has chosen to pursue psychiatry instead of anesthesia. He will be moving back to Utah and will be able to attend the meeting in June. Dr. Clark is in compliance with his Order.

CRAIG MIERCORT, MD
ANNUAL TELEPHONE INTERVIEW:

Dr. Craig Miercort is practicing in Tampa, Florida and is participating in the Physician Recovery Network (PRN) there. He reported that he has changed to a solo practice and is working as a radiology oncologist at St. Anthony Hospital in Tampa. He is in compliance with the PRN program in Florida. Dr. Miercort is scheduled to terminate his Utah Order in May 2008 if he remains compliant. He will be scheduled to talk with the Board again in a year. Dr. Miercort is in compliance with his Order.

DARRELL ANDERSON, MD

Dr. Darrell Anderson was accompanied

INTERVIEW:

by this attorney, Mr. Peter Stirba, for this meeting. He reported that his supervising physician, Dr. Carmela Javellana, has officially resigned. He indicated that there had been some friction in the office because of a lease agreement, and Dr. Javellana has informed him that she was not going to renew the lease agreement and he would be required to find a new office in 3 months. Dr. Canning pointed out that he had some clear boundary issues in leasing office space from Dr. Javellana and having her also serve as his supervisor. Dr. Anderson did not readily see the dual relationship of this arrangement.

Dr. Anderson stated that he had contacted one physician to be his supervisor but that person declined. He plans to contact 5 or 6 other physicians in the next few days to consider this responsibility. Dr. Canning suggested that he provide documentation of having contacted these physicians with a letter so that the Board could see his attempt to do so. Ms. Baker also recommended that he contact her regarding his success in finding a supervisor. Dr. Anderson agreed to do this.

Dr. Canning also discussed problems with triplicate prescription copies and noted that approximately 2900 copies were not accounted for, if he actually started with number 1. Dr. Anderson did not realize that prescription copies were missing and stated he would check into this. He also produced 4 random copies that had not been included in his most recent packet that was submitted to the Division. Dr. Canning addressed Dr. Anderson's

prescribing habits noting that he continues to prescribe in very large numbers. He also asked Dr. Anderson to provide rationale for prescribing multiples of benzodiazepines to one patient. Dr. Anderson stated that he treats based on the needs that he determines is necessary to control symptoms because this is what he has found is more beneficial to his patients. He stated he does not intend to decrease dosages prescribed because they seem excessive to other physicians.

Dr. Anderson reported that he is feeling better physically. He stated that he is reducing the dosages of his personal medications and has been doing well with the changes. It was noted by several Board members that he looked better today than he had in some time. It was noted on the database printout that Dr. Anderson is still being prescribed a higher dosage than he is reportedly taking.

Dr. Anderson is **out of compliance** because he currently does not have a supervisor and cannot account for a large number of triplicate prescription copies. He is to meet with the Board in 60 days.

GROUP II
SECRETARY: SHIRLENE KIMBALL

Members present: Dr. Pingree, Dr. Bennion, Dr. Fowler and Dr. Lamb.

BRIAN RIDDLE, MD
PROBATION INTERVIEW:

Dr. Riddle did not appear for his scheduled interview.

PAULA GIBBS, MD
PROBATION INTERVIEW:

Dr. Gibbs was interviewed by Dr. Bennion. Dr. Gibbs reported she is doing well. Dr. Bennion questioned whether or not she has submitted her scholarly paper for publication. Dr.

Gibbs indicated she has requested feedback regarding the paper and has not submitted it for publication. Dr. Gibbs' supervisor report has not been received and Dr. Gibbs stated she will follow-up with the supervisor. Dr. Gibbs probation is scheduled to end January 2008. Board members will recommend to the full Board to have Dr. Gibbs meet with the Board one more time, either in September or December and then terminate her probation.

DANNY PURSER, MD
PROBATION INTERVIEW:

Dr. Purser was interviewed by Dr. Pingree. Dr. Purser indicated he is doing well and continues to volunteer at the clinic in Provo. Board members will recommend to the full Board to have Dr. Purser meet with the Board every six months instead of quarterly.

MICHAEL GOATES, MD
PROBATION INTERVIEW:

Dr. Lamb conducted the interview. Dr. Goates reported he is doing fine and submitted a letter from Dr. Brunson and employer/supervisor reports from Mountain View Hospital, Dr. Wayne Brown at the Utah State Hospital and from Dr. Harris. Dr. Goates also submitted documentation of attendance at PIR, NA and AA meetings. He reported he attends a meeting at the Gathering Place and also sees a therapist for individual counseling. Dr. Lamb indicated record review reports have not been submitted since November 2006. Dr. Goates stated he thought he no longer needed to submit record review reports. The Division will review the Order to determine if this requirement has been amended. Dr. Goates stated he last had a drink of alcohol 2 ½ months ago. He stated he has not used drugs (Demerol, Morphine or Dilaudid) since 2001. Dr.

Goates also indicated he completed the San Diego Professional Boundaries Course in September 2006 and completed the Dave Ramsey financial course. Dr. Goates stated he has restructured his work and personnel life to eliminate the stressors that led him to abuse alcohol. He stated he has a chaperon present when meeting with female clients and if a chaperon is not available, he uses a web cam that is monitored by a nurse. Dr. Brunson indicated in his letter that he did not feel it was necessary for Dr. Goates to have a chaperon. Dr. Goates stated he is not requesting termination of the chaperon requirement at this time, but may ask for a modification in the future. The Division will clarify whether or not Dr. Goates needs to submit record review reports and will also review the file to see if documentation of completion of the professional boundary and financial courses have been received.

RECONVENED TO FULL BOARD AT
10:30 A.M.

REPORT FROM COMMITTEES:

Dr. Riddle did not appear for his interview. He will be rescheduled next month.

Dr. Gibbs: Dr. Weinstein made a Motion to have Dr. Gibbs meet with the Board in September 2007. If she remains in compliance with her Order, the probation will be terminated after the September meeting. Dr. Babitz seconded the Motion. All Board members in favor. Dr. Canning indicated he has reviewed Dr. Gibbs scholarly paper and will contact Dr. Gibbs with feedback. Board members also discussed Dr. Gibbs' professional

boundaries outline developed for presentation to medical students. Board members discussed whether or not the University of Utah Medical School should be contacted and a suggestion made to discuss this issue with the students. Dr. Babitz stated the curriculum has been revised to include information related to boundary issues. Board members then suggested each specialty area could address boundary issues related to the specific specialty. However, it is difficult to add to an already full curriculum.

Ms. Baker questioned whether or not it has been helpful to have a scholarly paper requirement in the Order? Dr. Babitz stated it was an appropriate requirement for Dr. Gibbs because she was well into recovery and is also a faculty member. However, it may not be as helpful for an individual in private practice. Ms. Buhler questioned if the Board requires a scholarly paper and the physician does not work, would the time spent on the scholarly paper count toward the probationary period. Board members indicated this would have to be considered on an individual basis.

Dr. Purser: Dr. Lamb made a Motion to meet with Dr. Purser every six months. Dr. Canning seconded the Motion. All Board members in favor.

Dr. Goates: Dr. Weinstein made a Motion to have the Division clarify whether or not record reviews are required and place this issue for discussion on the next agenda. The file will also be reviewed to see if documentation regarding completion of the professional boundary and financial course has been received. Dr. Lamb

seconded the Motion. Discussion: Dr. Goates will not be considered out of compliance in regards to the record review reports from November 2006 until a determination is made whether or not the reports are required. All Board members in favor.

Dr. Washburn: Dr. Washburn has not followed through with the items required from his last meeting with the Board. He needs to submit documentation of preprinted triplicate prescription pads, document why 2900 prescriptions are missing; determine where patients are filling prescriptions because copies of prescriptions he presented to the Board are not on the controlled substance data base, and have Ms. Baker provide Dr. Washburn with a list of patient names on the controlled substance data base which did not have prescriptions in the copies he submitted for review.

Dr. Anderson: Dr. Anderson's supervisor has resigned. He indicated he asked Dr. David McCann if he would be willing to be his supervisor, however, Dr. McCann declined. Dr. Anderson indicated he has five or six different individuals he will approach. Board members indicated he will need to provide documentation of the contact and requested he provide his letters of request and the response he receives to the Board. He was also encouraged to document very carefully his prescribing practice. Dr. Weinstein stated it may take time to identify the supervisor, however, he needs to document that he is making an active effort to find the supervisor. If he comes back without a supervisor, then Board members will need to review his

records. Dr. Weinstein made a Motion if Dr. Anderson does not have a supervisor within 30 days he will need to provide the Board with charts that have been chosen from the list obtained from the controlled substance data base. This meeting will be scheduled in 60 days. Dr. Bennion seconded the Motion. All Board members in favor.

LANCE HEWITT, MD
NEW ORDER:

Dr. Hewitt did not appear for his scheduled interview. He will be invited to meet with the Board next month.

APPLICATIONS APPROVED BY THE
DIVISION:

James Stewart, MD
Troy Lunceford, MD
Rand Colbert, MD
Geraldine Peterdy, MD
Florian Nickisch, MD
Jed Southwick, MD
Martha Garrison, MD
Stuart Kaplan, MD
David Teasley, MD
Kelly Wood, MD
Scott Roberts, MD
David Morgan, MD
Douglas Dillon, MD

(ss)GEORGE PINGREE
MD CHAIR

April 11, 2007
DATE APPROVED

(ss) DIANA BAKER
BUREAU MANAGER

April 11, 2007
DATE APPROVED